

**Remarks**

In the present application, claims 1, 3, 9 to 11, 13, 16, 17, 19, 20 and 26 have been amended. Claims 1 to 27 remain pending. Reexamination and reconsideration in view of the amendments above and the arguments below are respectfully requested.

**Claim Objections**

The Examiner objected to claims 12 to 14 and 16 for informalities. Amendments have been made to address these objections and Applicant respectfully requests withdrawal of the objections.

**Claim Rejections for Indefiniteness**

The Examiner rejected claims 12, 14 to 23 and 26 under 35 U.S.C. §112, second paragraph, as being indefinite with regard to several antecedent basis issues and use of the term “or else” in claim 26. Applicant has addressed the antecedent basis issues identified by the Examiner. Applicant has also replaced the term “else” in claim 26 to refer to “gas,” indicating that the odiferous products may be present in the form as a gas as well as the liquid, gel and crystal forms already recited. This amendment is fully supported by the Specification and no new matter has been added by this amendment.

Applicant submits that these amendments have placed the claims in conformance with 35 U.S.C. §112, second paragraph, and that claims 12, 14 to 23 and 26 are now in condition for immediate allowance. Reexamination and reconsideration are respectfully requested.

### **Claim Rejections for Anticipation**

The Examiner rejected claims 1, 2, 3, 5, 24, 26 and 27 under 35 U.S.C. §102(b) as anticipated by Shimizu, Japanese Patent Document No. 2000 267611. These rejections are respectfully traversed.

Claim 1, as amended, recites in part, a billboard including an odor diffuser installed inside a frame and associated with an odor diffusing element installed inside the frame. The odor diffuser generates an odoriferous stream. The odor diffusing element includes a diffusion chamber which receives the odoriferous stream and diffuses the stream outside of the frame.

Shimizu discloses a frame 2 with a plurality of perfume emission sections 4a to 4d to dispense perfumes 13a to 13d, respectively (paragraph 12) and a plurality of deodorant discharge ports 17a to 17d to emit deodorant material 18a to 18d, respectively (paragraph 15). Wind from a first ventilation section 15 passes over sections 4a to 4d to diffuse the perfume emitted from the sections in front of frame 2 (paragraph 14). Section 4a includes a body 6 which the Examiner equates to the odor diffusing element.

The Examiner asserts that element 15 is a chamber, while Shimizu identifies element 15 is a fan. Further, element 15 does not receive any of the odoriferous stream from the odor diffusing elements 4 but directs wind past elements 4 to diffuse perfume directly into the air in front of the frame. There is no disclosure that element 15 includes any sort of chamber. The odoriferous stream from the elements 4 is not directed into a chamber of any sort. The Examiner has not identified a specific element as being the odor diffuser and while Shimizu does disclose a feed hopper 9 may be connected to the perfume emissions sections 4, but there is no disclosure that such hoppers be mounted

within the frame. The elements 4 appear to be mounted on an exterior of the frame and not inside the frame, so the chambers of the elements are not installed within the frame.

For at least these reasons, Applicant submits that the cited prior art does not anticipate claim 1 and that claim 1 is in condition for immediate allowance.

Reexamination and reconsideration are respectfully requested.

Claims 2, 4, 5, 24, 26 and 27 depend from and further limit claim 1. For at least the same reasons discussed above, Applicant submits that claims 2, 4, 5, 26 and 27 are not anticipated by the cited prior art and are in condition for immediate allowance.

### **Claim Rejections for Obviousness**

Claims 3, 6, 7, 8, 10 and 11 were rejected under 35 U.S.C. §103(a) as obvious over Shimizu in view of Hechler (U.S. Patent No. 5,826,357). These rejections are respectfully traversed.

Claims 3, 6, 7, 8, 10 and 11 depend from and further limit claims 1. Hechler is cited by the Examiner solely to provide teaching of a carrier gas to transmit odoriferous fluid from the diffusion chamber. Hechler does not teach or suggest that a diffusion chamber be included within the frame. Hechler does not teach or suggest that the liquid to be diffused by the carrier gas be directed toward a diffusion chamber in any way. Hechler discloses an aerosol or pump spray time released mechanism 24 that dispenses a scent of burning wood from a gas fireplace.

As noted above, there is no disclosure of the odor diffuser and the odor diffusing element with a diffusion chamber be located within the frame of Shimizu. There is further no teaching or suggestion within Shimizu that such a configuration is

possible or desirable. Hechler does not provide any additional teaching or suggestion as to how the odor diffusion device should be configured.

For at least these reasons, Applicant submits that the cited prior art does not render claims 3, 6, 7, 8, 10 and 11 obvious and that claims 3, 6, 7, 8, 10 and 11 are in condition for immediate allowance. Reexamination and reconsideration are respectfully requested.

Claim 9 was rejected under 35 U.S.C. §103(a) as obvious over Shimizu in view of Rossman, et al., (U.S. Patent no. 5,549,247). This rejection is respectfully traversed.

Claim 9 depends from and further limits claim 1. Rossman is cited by the Examiner solely to provide teaching of a motorized air compressor to transmit odoriferous fluid from the diffusion chamber. Rossman does not teach or suggest that a diffusion chamber be included within the frame. Rossman does not teach or suggest that the scented liquid nebulizer be mounted within any structure .

As noted above, there is no disclosure of the odor diffuser and the odor diffusing element with a diffusion chamber be located within the frame of Shimizu. There is further no teaching or suggestion within Shimizu that such a configuration is possible or desirable. Rossman does not provide any additional teaching or suggestion as to how the odor diffusion device should be configured.

For at least these reasons, Applicant submits that the cited prior art does not render claim 9 obvious and that claim 9 is in condition for immediate allowance. Reexamination and reconsideration are respectfully requested.

Claim 11 was rejected under 35 U.S.C. §103(a) as obvious over Shimizu in view of Hechler and further in view of Bodelle, et al. (French Patent Publication No. 2682794). This rejection is respectfully traversed.

Claim 11 depends from and further limits claim 1. As noted above, neither Shimizu nor Hechler teach or suggest the structure of the billboard and the mounting of the odor diffuser and the odor diffusion element as recited in claim 1. Bodelle is cited by the Examiner solely to teach the use of a removable container and mixing head. Bodelle also does not teach or suggest the mounting of the odor diffuser or the odor diffusion element as recited in claim 1. The perfume bottle arrangement of Bodelle does not appear to include a diffusion chamber of any sort into which the odoriferous stream is to be directed.

For at least these reasons, Applicant submits that the cited prior art does not render claim 11 obvious and that claim 11 is in condition for immediate allowance. Reexamination and reconsideration are respectfully requested.

Claim 25 was rejected under 35 U.S.C. §103(a) as obvious over Shimizu in view of Johnson (U.S. Patent No. 3,844,057). This rejection is respectfully traversed.

Claim 25 depends from and further limits claim 1. As noted above, Shimizu does not teach or suggest the structure of the billboard and the mounting of the odor diffuser and the odor diffusion element as recited in claim 1. Johnson is cited by the Examiner solely to teach the use of a substrate impregnated with an odoriferous product. Johnson does not teach or suggest the mounting of the odor diffuser or the odor diffusion element as recited in claim 1.

**Allowable Subject Matter**

The Examiner noted that claim 13 includes allowable subject matter and that claim 13 would be allowable if rewritten in independent form. Applicant appreciates the indication of the allowable subject matter but reserves the right to amend claim 13 into independent form in response to any future office actions. However, as noted above, Applicant submits that the base claim from which claim 13 depends is in condition for immediate allowance.

Applicant has also addressed the rejections of claims 12 and 14 to 23 under 35 U.S.C. §112, second paragraph and submits that claims 12 and 14 to 23 are in condition for immediate allowance.

**Conclusion**

Applicant submits that pending claims 1 to 27, as amended, are in condition for immediate allowance and reexamination and reconsideration of the claims is respectfully requested.

If the Examiner has any questions regarding this Amendment and Response, the Examiner is invited to contact Applicant's representative by e-mail or telephone as noted below.

Respectfully submitted,

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